

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

LICENSING COMMITTEE MINUTES

August 10, 2016

9:00 a.m.

MEMBERS PRESENT: Mr. Mark Mahler
Mr. Vince Colarelli
Mr. Jim Rose
Mr. Scot Gring
Mr. J. B. (Johnny) Johnson
Mr. Richard Gillit

MEMBERS ABSENT: Mr. Neil Case

OTHERS PRESENT: Mr. Roger Lovell, Regional Building Official
Mr. Todd Welch, Regional Building Counsel
Mr. John Welton, Chief Building Inspector
Mr. Jack Arrington, Chief Mechanical/Plumbing Inspector
Ms. Jessie King, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Mark Mahler called the meeting to order at 9:03 a.m.

1. **CONSIDERATION OF JULY 13, 2016 LICENSING COMMITTEE MINUTES**

A motion was made by Johnny Johnson to **APPROVE** the July 13, 2016 Licensing Committee Minutes as written, seconded by Jim Rose; the motion carried unanimously.

2. **COMPLAINTS**

- a) A complaint has been brought against Amanda Cook, licensee for Bruno's Mechanical, Inc., by Regional Building for work performed at 1680 Briargate Boulevard, No. 100; 7085 Commerce Center Drive; 3017 Jet Wing Drive; 10905 Charter Oak Ranch Road; and 711 North Tejon Street, Nos. 100 and 200, for negligently failing to properly hire, train and supervise employees tasked with work requiring a permit and proper supervision, in violation of Sections RBC201.2(6) and 201.11, 2011 Pikes Peak Regional Building Code; and by Eric Harr with E C Design Group, LLC, for willfully violating the code and willful and wanton negligence with regard to work performed at 3610 Camels View, in violation of Section RBC201.11.3, (1) and (6), 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. Jack Arrington appeared and said Bruno's does not have properly trained people doing their work; i.e. RBD has six permits at issue and he

gave the details of the complaints at each address. A motion was made by Johnny Johnson to separate the two complaints, i.e. RBD's complaint; and Eric Harr's complaint, seconded by Richard Gillit; the motion carried unanimously.

Karl Berg, attorney for Bruno's Mechanical, Inc., appeared and stated Bruno's is committed to providing quality work, but it is difficult to find qualified people. He stated RBD 201.2(6) and 201.11, 2011 Pikes Peak Regional Building Code ("PPRBC"), are merely definitions and you cannot violate a definition in the Code; therefore, he is requesting that RBD's complaint regarding these permits be dismissed. He stated that Bruno's is now requiring that all of their technicians have a Mech IV Licenses, in an effort to improve the quality of their workforce. Jack Arrington stated of the six permits at issue, only one has been finalized.

Amanda Cook stated Bruno's requires that every job have a lead person with two helpers, and the lead persons have a Mech IV License. She stated Bruno's is also offering training for their technicians. She stated they are given schedules by the general contractors about when their inspections should be done, and if they are not ready for the inspections, they are asked to call in the inspection anyway with the hope that the deficiencies are not noticed. Bruno's HVAC foreman, Chris Dutton, appeared and stated he obtained his training in the military, and has received and provided training himself while working at the Department of Corrections after the military. Mr. Dutton stated he also worked for Furnace and Fireplace Pros prior to working for Bruno's. He stated he visits each of the projects every day, and he meets the inspectors on the job sites. He stated he has an EPA License for refrigeration and a license for combustion air. Mr. Dutton stated he is scheduled to take the test to get his Mech IV License in the near future. He stated Bruno's has several technicians that were trained in the military for HVAC. Mr. Arrington stated Bruno's is making an effort to correct these items, and Mr. Dutton is meeting the inspectors at the job sites. He said they have made big improvements over the past 30 days. A motion was made by Scot Gring to recommend to the Board of Review **DISMISSAL** of RBD's complaint because the contractor is making an effort to resolve the issue, seconded by Jim Rose; the motion carried unanimously.

Eric Harr appeared and stated he owns a design company, and he designed a house at 3610 Camels View, and due to the size of the house, three systems would be required. He stated Bruno's requested that he redesign the house for two systems, and he told them he could not do that because two systems would not be adequate to heat the home. He stated Bruno's modified his design without his knowledge and submitted the spliced plan to RBD with his name on it. Dale Hoke stated RBD approved the spliced plan, but the issue is that it was approved with Mr. Harr's name on it, and Mr. Harr is ACCA approved to design plans. Mr. Harr stated it was also approved without the equipment certification. Karl Berg stated this is a civil matter and is not a Code violation. He stated Ms. Cook made the modifications and resubmitted them to RBD, and Ms. Cook is the

licensee for Bruno's. Jim Rose stated the issue is that Bruno's submitted the modified plan with Mr. Harr's name on it. Mr. Berg stated Mr. Harr's design was deficient and would not have worked because the static pressure was too high, so the design was modified in good faith. Ms. Cook stated the house is complete, and Mr. Arrington stated there are two systems installed, but the documentation is still showing three systems, so they have not been able to finalize the permit because the documentation does not match the installation. A motion was made by Richard Gillit to recommend to the Board of Review **DISMISSAL** of this complaint because there are no Code violations, although the Committee agrees that the plans should not have been submitted to RBD over Eric Harr's name, seconded by Scot Gring; the motion carried 2:3; therefore, the motion **FAILED**. A motion was made by Richard Gillit to place a One-Year Incident Report in Amanda Cook's contractor file because the permit has been open for an extended period of time, and the modified design was submitted to RBD over Mr. Harr's name, which should not be done, seconded by Johnny Johnson; the motion carried 4:1. Scot Gring opposed.

Break from 11:02 a.m. to 11:12 a.m.

- b) A complaint has been brought against Jeffrey Masias, licensee for Innovative Exteriors, by Regional Building for work performed at 4968 Mount Union Court without obtaining a permit, and for having an "A" Status permit for 1002 North Wahsatch Avenue, in violation of Sections RBC201.11.3, No. 5, and RBC105.9.1, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. John Welton gave the details of the Complaint. He stated at the time the contract was written with the homeowner, Richard Moore, at 4968 Mount Union Court, the Code required that fences over the height of 6' obtain a permit; and the Code changed in April to 7'. He said there are sections of Mr. Moore's fence that are between 7' and 8', which requires engineering and a permit. Mr. Moore stated he contracted with Innovative Exteriors in October, the work started in November, and the work was still not completed the following April. He stated the original contract was for a duration of three weeks.

Jeffrey Masias appeared and stated the original scope of construction was for a 5' fence, and the homeowner's HOA required that the fence plan be resubmitted as a wall because fences were not allowed in the area. He stated there are sections of the fence that are over 7', which requires a permit. He stated the extensive punchlist was completed in April. Mr. Masias stated his company has a "B" License and he had a stucco and roofing license, but it has expired due to Workmen's Compensation Insurance issues. He stated he does not currently have a license, and Innovative Exteriors is now called Innovative Roofing and Construction ("Innovative RAC"), and Sherman Suits is the licensee. He stated at the time that they started the job, they were not aware that the fence was going to be over 5'. Mr. Moore stated the back of his yard slopes down, so he brought in fill to

make his landscaping even with his patio, but the backside of the fence is much lower than the inside of the fenced area; therefore, requiring a permit. Mark Mahler pointed out that the work for Mr. Moore took place while Mr. Masias' company did not have a license. Mr. Welton stated Mr. Masias had 11 "A" Status permits, and he is down to two "A" Status permits. A motion was made by Richard Gillit to recommend to the Board of Review that the company that wrote the contract, Innovative RAC, pull and complete a permit for 4968 Mount Union Court, that Mr. Masias is prohibited from pulling any permits, with the exception of a permit for this project, until this issue is resolved, the permits for 1002 North Wahsatch Avenue and 230 East Monroe must be completed prior to pulling new permits; and a three-year Incident Report be placed in Mr. Masias' contractor file, seconded by Johnny Johnson; the motion carried unanimously.

Vince Colarelli left the meeting at 11:50 a.m., and a quorum was maintained.

- c) A complaint has been brought against Erica Johnson, licensee for Jayne of All Trades, Inc., by Sari and Bill Escovitz for reroof work performed at 1705 Wood Avenue, without obtaining a permit and electrical work without a license and permit, in violation of Sections RBC201.11.3(5) and RBC201.3, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. John Welton gave the details of the Complaint. He stated currently the permits have been pulled and completed, but that was not the case when the work for done. Sari and Bill Escovitz appeared and Mr. Escovitz stated he contracted with Jayne of All Trades to reroof two portions of their house and do some electrical work, and the contract included all permits. He said the contractor told him that a permit was not required for the roof because it was less than 200 square feet, but he was informed by Mr. Welton that a permit was required for roofing work over 100 square feet. Mrs. Escovitz stated the contractor abandoned the job, and they had to find another contractor to finish the work.

Erica Johnson stated it was an oversight that the permit was not pulled because she was on maternity leave at that time. She stated she pulled the permit when she learned of the error. She stated she subcontracted the electrical work, and assumed that the electrician would pull the permit if one was required. She stated she tarped the roof repair so she did not have any interior damage. She said when she discovered the structural damage with the roof, she requested that the homeowner contact a contractor that was licensed to do that type of work, which she is not licensed to do. Jim Rose pointed out in the contract that Ms. Johnson is offering general contracting services, although she is not licensed to be a general contractor. A motion was made by Scot Gring to recommend to the Board of Review **DISMISSAL** of the complaint, with the stipulation that Ms. Johnson revise all advertising and marketing to reflect that she is not offering general contracting services, within two weeks, seconded by Richard Gillit; the motion carried 3:1. Johnny Johnson opposed.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1

BURKE CONSTRUCTION CO., INC – THOMAS BURKE
LOWES' HOME CENTERS, LLC – TROY CRAFT
SHAW CONSTRUCTION LLC/ SHAW BUILDERS LLC – SCOTT WILLIAMS (CO.
CHANGES EXAMINEE)
THOMPSON THRIFT CONSTRUCTION, INC. – JOHN THOMPSON

Building Contractor A-2 (General Limited)

DRIVE 923 DBA R.E.S CONTRACTING AND MECH. – JAMES WRIGHT
STAUFFER & SONS CONSTRUCTION, INC. – ANDREW STAUFFER (UPGRADE)

Building Contractor B-1 (General Limited)

CELTIC REMODELING LLC – PAUL SCOTT (REINSTATEMENT)
RESCON HOLDINGS, LLC – PAUL HUME JR (CO. CHANGES EXAMINEE)

Building Contractor C (Homebuilder)

FRONT RANGE DESIGN/BUILD – GREGORY RICE (REINSTATEMENT)
GOWLER CUSTOM HOMES, INC – MATHEW GOWLER (EXAMINEE CHANGES
CO.)
HIGH DESERT CONSTRUCTION COMPANY, INC. – KENNETH HERMAN
(UPGRADE)

Building Contractor D-1 (Exteriors)

ACS- ALLIANCE CONSTRUCTION – MATTHEW SCARDINO
ALL AREA CONSTRUCTION AND ROOFING – KEVIN MURRAY

Building Contractor D-1 (Roofing)

BEYOND ROOFING LLC – BRIAN FRIEND
CATASTROPHE CONSULTANTS GROUP DBA CATASTROPHE CONSTRUCTION
GROUP (REINSTATEMENT)
CENTENNIAL EXTERIORS INC. – NICK BUSNARDO (REINSTATMENT)
CELTIC REMODELING LLC – PAUL SCOTT ((REINSTATMENT)
COLORADO SUPERIOR ROOFING & CONSTRUCTION, INC. –WILLIAM BROWN

OAK LEAF CONSTRUCTION LLC – OAK LEAF CONSTRUCTION LLC - BRUCE
REDMOND (EXAMINEE CHANGES CO., REINSTATMENT) *
VETERAN ROOFING – JASON BIONDOLILLO
VIVAX PRO ROOFING – ANDREW CHAMBERS

Building Contractor D-1 (Stucco)

A & E STUCCO – ERNESTO GONZALES

Building Contractor D-5A (Signs)

ALL ABOUT SIGNS AND SERVICE LLC – TRENT LUEDERS
ALL REACH PRPERTY LIGHTING, LLC – MICHAEL O’GRADY
RON’S SIGN CO INC – JOHN SAINDON

Building Contractor F-1(Solar)

PREMIER ELECTRIC – TEMPLE CHANCELLOR (ADDITIONAL)

Mechanical Contractor A (Commercial)

NORTH WIND MECHANICAL LLC –DAVID GREER (ADDITIONAL)

Heating Mechanic IV (HVAC Service Tech)

JASON CARPENTER
TAYLOR KOUT

A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the Consent License requests, seconded by Richard Gillit; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor A-1

HB CONSTRUCTION, LLC – MATTHEW MULLIGAN *

No one appeared. A motion was made by Richard Gillit to **POSTPONE** the license request for 30 days, seconded by Johnny Johnson; the motion carried unanimously.

Building Contractor C (Homebuilder)

MCFERON PROPERTIES, INC – MICHAEL MCFERON (REINSTATEMENT) *

Michael McFeron appeared. Jessie King stated Mr. McFeron had an outstanding permit for a reroof on his personal home, but Mr. McFeron received a variance for this permit, so it is no longer an issue. Michael McFeron stated he had his original license from 1993 to 2008, and he would like to have it reinstated, so he can build spec houses. A motion was made by Jim Rose to recommend to the Board of Review **APPROVAL** of a “C” (Homebuilder) License, seconded by Scot Gring; the motion carried unanimously.

OAK LEAF CONSTRUCTION LLC – MARK PELLMAN *

Mark Pellman appeared and stated he has been working in Fremont County and Canyon City. He stated he has built three ground-up structures, and one house in Fremont County. He stated he has a “C” License in Canyon City. Mr. Pellman stated his long-term plans are to build single family homes, additions and remodels. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a “C” (Homebuilder) License, with the limitation of two ground-up permits, unlimited additions, basement finishes and remodels, until completed, at which time Mr. Pellman can work with RBD staff to have the restriction removed, seconded by Jim Rose; the motion carried 3:1. Richard Gillit opposed.

* Appearance required at the Licensing Committee meeting.

4. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

5. NEW BUSINESS

There was no New Business to discuss.

The meeting adjourned at 1:17 p.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official
RNL/llg